

INTRODUCED BY COMMITTEE ON LEGISLATIVE DEPARTMENT.

NOVEMBER 11TH, 1878.

~~READ AND ORDERED PRINTED.~~*Whole  
As Amended in Committee of the*

RELATIVE TO LEGISLATIVE DEPARTMENT.

## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a  
 2 Senate and Assembly, which shall be designated the Legislature of the State  
 3 of California, and the enacting clause of every law shall be as follows: "The  
 4 People of the State of California, represented in Senate and Assembly, do  
 5 enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall  
 2 commence on the first Monday after the first Tuesday in January next ensu-  
 3 ing the election of its members, at twelve o'clock M., unless the Governor  
 4 shall, in the interim, convene the Legislature by proclamation. No session  
 5 shall continue longer than sixty days, except the first session called after the  
 6 adoption of this Constitution, which may continue eighty days. And no  
 7 bill shall be introduced, in either House, during the last ten days of the ses-  
 8 sion without the consent of two-thirds of the members of said House.

*(The following is sec 2  
 as amended by Mr  
 Webster and adopted)*

(SEC. 2. The sessions of the Legislature shall be biennial, and shall  
 2 commence on the first Monday after the first Tuesday in January next ensu-  
 3 ing the election of its members, at twelve o'clock M., unless the Governor  
 4 shall, in the interim, convene the Legislature by proclamation.)

No pay shall be allowed <sup>2</sup> to members  
for a longer time than sixty days  
except the first session called  
after the adoption of this constitution  
which may be allowed <sup>pay</sup> for one hundred  
days.

And no bill shall be introduced, in either House, during the last ten days of the session without the consent of two-thirds of the members of said House.)

- SEC. 3. The members of the Assembly shall be chosen biennially, by
- 2 the qualified electors of their respective districts, on the first Tuesday after
  - 3 the first Monday in November, and their term of office shall be two years.

(The following is Sec 3 - as  
amended by Mr Hyatt (adopted))

- SEC. 3. The members of the Assembly shall be chosen biennially, by
- 2 the qualified electors of their respective districts, on the first Tuesday after
  - 3 the first Monday in November, unless otherwise ordered  
by the legislature and their term of office shall be two years.

- SEC. 4. Senators shall be chosen for the term of four years, at the
- 2 same time and places as members of the Assembly, and no person shall be a
  - 3 member of the Senate or Assembly who has not been a citizen and inhabitant
  - 4 of the State, and of the district for which he shall be chosen, one year next
  - 5 before his election.

(The following is Sec 4  
as amended by Mr Miller  
and adopted)

SEC. 4. Senators shall be chosen for the term of four years, at the  
 2 same time and places as members of the Assembly, and no person shall be a  
 3 member of the Senate or Assembly who has not been a citizen and inhabitant  
 4 of the State, *Three years* and of the district for which he shall be chosen,  
 one year next before his election.

SEC. 5. The Senate shall consist of thirty members, and the Assembly  
 2 of sixty members, to be elected by districts, as hereinafter provided. The  
 3 seats of the fifteen Senators from the odd number districts, chosen at the first  
 4 election under this Constitution, shall be vacated at the expiration of the sec-  
 5 ond year, so that one-half of the Senate, after the first election, shall be chosen  
 6 every two years.

*(The following is Sec 5 as  
 amended by Messrs. Ayers, & Dudley  
 & Solano, and adopted)*

SEC. 5. The Senate shall consist of ~~thirty~~ <sup>forty</sup> members, and the Assembly  
 2 of ~~sixty~~ <sup>eighty</sup> members, to be elected by districts, as hereinafter provided. The  
 3 seats of the ~~fifteen~~ <sup>twenty</sup> Senators from the odd number districts, chosen at the first  
 4 election under this Constitution, shall be vacated at the expiration of the sec-  
 5 ond year, so that one-half of the Senate, after the first election, shall be chosen  
 6 every two years.)

SEC. 6. For the purpose of choosing members of the Legislature, the  
 2 State shall be divided into thirty districts, as nearly equal in population as  
 3 may be, and composed of contiguous territory, to be called legislative dis-  
 4 tricts. Each district shall choose one Senator and two members of the Assem-  
 5 bly. The districts shall be numbered from one to thirty, inclusive, in numerical  
 6 order, commencing at the northern boundary of the State, and ending at the  
 7 southern boundary thereof. In the formation of said districts, no county, or  
 8 city and county, shall be divided, unless it contain sufficient population within  
 9 itself to form two or more districts; nor shall a part of any county, or city  
 10 and county, be united with any other county, or city and county, in forming  
 11 any district. The census taken under the direction of the Congress of the  
 12 United States, in the year one thousand eight hundred and eighty, and every

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13 ten years thereafter, shall be the basis of fixing and adjusting the legislative  
14 districts; and the Legislature shall, at its first session after each census,  
15 adjust said districts and re-apportion the representation so as to preserve them  
16 as near equal in population as may be. But in making such adjustment no  
17 persons who are not eligible to become citizens of the United States, under the  
18 naturalization laws, shall be counted as forming the population of any dis-  
19 trict. Until such adjustment shall be made, the First District shall consist of  
20 the Counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta, and Trinity;  
21 the Second, of the Counties of Humboldt and Mendocino; the Third, of the  
22 Counties of Tehama and Butte; the Fourth, of the Counties of Colusa, Lake,  
23 and Sutter; the Fifth, of the County of Sonoma; the Sixth, of the Counties  
24 of Marin, Napa, and Contra Costa; the Seventh, of the Counties of Solano  
25 and Yolo; the Eighth, of the Counties of Sierra, Yuba, and Plumas; the  
26 Ninth, of the County of Nevada; the Tenth, of the Counties of Placer and  
27 El Dorado; the Eleventh, of the County of Sacramento; the Twelfth, of the  
28 Counties of Calaveras, Alpine, and Amador; the Thirteenth, of the County  
29 of San Joaquin; the Fourteenth, of that portion of the City and County of San  
30 Francisco bounded and described as follows, to wit: Beginning at a point where  
31 Larkin Street intersects the waters of the Bay of San Francisco; thence  
32 meandering along the shore of said bay, in an easterly and southeasterly direc-  
33 tion, to the point where Market Street intersects said bay; thence along Mar-  
34 ket Street to California Street; thence along California Street to Kearny  
35 Street; thence along Kearny Street to Vallejo Street; thence along Vallejo  
36 Street to Larkin Street; and thence along Larkin Street to the waters of the  
37 Bay of San Francisco, the place of beginning. The Fifteenth, of that portion of  
38 the City and County of San Francisco bounded and described as follows, to  
39 wit: Beginning at the point where Larkin Street intersects Vallejo Street;  
40 thence along Vallejo Street to Kearny Street; thence along Kearny Street

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41 to California Street; thence along California Street to Market Street; thence  
42 along Market Street to Kearny Street; thence along Kearny Street to Pine  
43 Street; thence along Pine Street to Larkin Street; and thence along Larkin  
44 Street to Vallejo Street, the place of beginning. The Sixteenth, of that portion  
45 of the City and County of San Francisco bounded and described as follows,  
46 to wit: Beginning at the point where Franklin Street intersects Pine Street;  
47 thence along Pine Street to Kearny Street; thence along Kearny Street  
48 to Market Street; thence along Market Street to Van Ness Avenue; thence  
49 along Van Ness Avenue to Tyler Street; thence along Tyler Street to Gough  
50 Street; thence along Gough Street to Geary Street; thence along Geary  
51 Street to Franklin Street; and thence along Franklin Street to Pine Street,  
52 the place of beginning. The Seventeenth, of that portion of the City and  
53 County of San Francisco bounded and described as follows, to wit: Beginning  
54 at the point where Larkin Street intersects the waters of the Bay of San  
55 Francisco; thence along Larkin Street to Pine Street; thence along Pine  
56 Street to Franklin Street; thence along Franklin Street to Geary Street;  
57 thence along Geary Street to Gough Street; thence along Gough Street to  
58 Tyler Street; thence along Tyler Street to Van Ness Avenue; thence along  
59 Van Ness Avenue to Market Street; thence along Market Street to Ridley  
60 Street; thence along Ridley Street, and said Ridley Street produced in a  
61 direct line westerly to the Pacific Ocean; and thence meandering northerly  
62 and easterly along the waters of the Pacific Ocean and the Bay of San Fran-  
63 cisco to Larkin Street, the place of beginning. The Eighteenth, of that por-  
64 tion of the City and County of San Francisco bounded and described as fol-  
65 lows, to wit: Beginning at the point where Market Street intersects the waters  
66 of the Bay of San Francisco; thence meandering along the waters of said  
67 bay to the point where Channel Street intersects the waters of said bay;  
68 thence along Channel Street to Seventh Street; thence along Seventh Street

69 to Harrison Street; thence along Harrison Street to Second Street; thence  
70 along Second Street to Market Street; and thence along Market Street to the  
71 waters of the Bay of San Francisco, the place of beginning. The Nineteenth,  
72 of that portion of the City and County of San Francisco bounded and de-  
73 scribed as follows, to wit: Beginning at the point where Second Street inter-  
74 sects Market Street; thence along Second Street to Harrison Street; thence  
75 along Harrison Street to Sixth Street; thence along Sixth Street to Market  
76 Street; and thence along Market Street to Second Street, the place of begin-  
77 ning. The Twentieth, of all that portion of the City and County of San Fran-  
78 cisco bounded and described as follows, to wit: Beginning at the point where  
79 Sixth Street intersects Market Street; thence along Sixth Street to Harrison  
80 Street; thence along Harrison Street to Seventh Street; thence along Seventh  
81 Street to Channel Street; thence along Channel Street to Harrison Street;  
82 thence along Harrison Street to Fifteenth Street; thence along Fifteenth  
83 Street to Howard Street; thence along Howard Street to Fourteenth Street;  
84 thence along Fourteenth Street to Mission Street; thence along Mission Street  
85 to Ridley Street; thence along Ridley Street to Market Street; and thence  
86 along Market Street to Sixth Street, the place of beginning. The Twenty-  
87 first, of that portion of the City and County of San Francisco bounded and  
88 described as follows, to wit: Beginning at the point where Channel Street  
89 intersects the Bay of San Francisco; thence along Channel Street to Harrison  
90 Street; thence along Harrison Street to Fifteenth Street; thence along Fif-  
91 teenth Street to Howard Street; thence along Howard Street to Fourteenth  
92 Street; thence along Fourteenth Street to Mission Street; thence along Mis-  
93 sion Street to Ridley Street; thence along Ridley Street and the line of Rid-  
94 ley Street, projected westerly, to the Pacific Ocean; thence southerly along  
95 the Pacific Ocean to the southern boundary line of the City and County of  
96 San Francisco; thence along said southern boundary line to the Bay of San

7  
97 Francisco; and thence meandering along the waters of the Bay of San Fran-  
98 cisco to Channel Street, the place of beginning. The Twenty-second, of Oak-  
99 land Township, County of Alameda. The Twenty-third, of all that portion  
100 of the County of Alameda exclusive of Oakland Township. The Twenty-  
101 fourth, of the County of Santa Clara. The Twenty-fifth, of the Counties of  
102 Merced, Mariposa, Stanislaus, and Tuolumne. The Twenty-sixth, of the  
103 Counties of Tulare, Inyo, Fresno, and Mono. The Twenty-seventh, of the  
104 Counties of Santa Cruz, San Mateo, and San Benito. The Twenty-eighth, of  
105 the Counties of Santa Barbara, San Luis Obispo, and Monterey. The Twenty-  
106 ninth, of the County of Los Angeles. The Thirtieth, of the Counties of San  
107 Bernardino, San Diego, Kern, and Ventura.

*(The following is Sec 6 as  
amended on Motion of Mr Ivory  
and adopted)*

SEC. 6. For the purpose of choosing members of the Legislature, the  
2 State shall be divided into <sup>Forty</sup>~~thirty~~ districts, as nearly equal in population as  
3 may be, and composed of contiguous territory, to be called legislative dis-  
4 tricts. Each district shall choose one Senator and two members of the Assem-  
5 bly. The districts shall be numbered from one to <sup>Forty</sup>~~thirty~~, inclusive, in numerical  
6 order, commencing at the northern boundary of the State, and ending at the  
7 southern boundary thereof. In the formation of said districts, no county, or  
8 city and county, shall be divided, unless it contain sufficient population within  
9 itself to form two or more districts; nor shall a part of any county, or city  
10 and county, be united with any other county, or city and county, in forming  
11 any district. The census taken under the direction of the Congress of the  
12 United States, in the year one thousand eight hundred and eighty, and every  
13 ten years thereafter, shall be the basis of fixing and adjusting the legislative  
14 districts; and the Legislature shall, at its first session after each census,  
15 adjust said districts and re-apportion the representation so as to preserve them  
16 as near equal in population as may be. But in making such adjustment no  
17 persons who are not eligible to become citizens of the United States, under the  
18 naturalization laws, shall be counted as forming the population of any dis-  
19 trict. Until such adjustment shall be made, ~~the First District shall consist of~~

*= the apportionment now provided by law, shall continue in force)*

SEC. 7. Each House shall choose its own officers, and judge of the  
2 qualifications, elections, and returns of its own members.

SEC. 8. A majority of each House shall constitute a quorum to do  
2 business, but a smaller number may adjourn from day to day, and may compel  
3 the attendance of absent members in such manner and under such penalties  
4 as each House may provide.

SEC. 9. Each House shall determine the rule of its own proceeding,  
2 and may, with the concurrence of two-thirds of all the members elected,  
3 expel a member.

SEC. 10. Each House shall keep a Journal of its own proceedings, and  
2 publish the same; and the yeas and nays of the members of either House, on  
3 any question, shall, at the desire of any three members present, be entered on  
4 the Journal.

SEC. 11. Members of the Legislature shall, in all cases except treason,  
2 felony, and breach of the peace, be privileged from arrest, and shall not be  
3 subject to any civil process during the session of the Legislature, nor for fif-  
4 teen days next before the commencement and after the termination of each  
5 session.

SEC. 12. When a vacancy occurs in either House, from any cause, dur-  
2 ing the session of the Legislature, the House in which said vacancy occurs  
3 shall proceed immediately to elect, from the constituency deprived of repre-  
4 sentation, a member to fill said vacancy for said session. If the Legislature is  
5 not in session at the time the vacancy occurs, the Governor, or the person  
6 exercising the functions of Governor, shall issue writs of election to fill such  
7 vacancy.

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(The following is Sec 12 - as amended  
on motion of Mr Dudley &  
San Joaquin - and adopted)

(Sec 12 - When vacancies occur  
in either House, the Governor,  
or the person exercising the  
functions of the Governor, shall  
issue writs of election to fill  
such vacancies.)

SEC. 13. The doors of each House shall be open, except on such occa-  
sions as in the opinion of the House may require secrecy.

SEC. 14. Neither House shall, without the consent of the other,  
adjourn for more than three days, nor to any other place than that in which  
they may be sitting.

(The following is Sec 14 - as amended  
on motion of Mr Larue & adopted)

SEC. 14. Neither House shall, without the consent of the other,  
adjourn for more than three days, nor to any other place than that in which  
they may be sitting.

nor shall the members of  
either House, draw pay for  
any recess or adjournment  
for a longer time than three  
days)

SEC. 15. No law shall be passed except by bill. Any bill may originate in either House, but may be amended or rejected by the other, and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

(The following is Sec 15 as amended by Messrs Gordon & Reynolds and adopted)

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same with the amendments thereto shall have been printed for the use of the Members; Nor shall any bill become a law unless the same be read on three several days in each House, unless in case of urgency two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; =

//  
Any bill may origin-

2 ate in either House, but may be amended or rejected by the other, and on the  
3 final passage of all bills they shall be read at length, and the vote shall be by  
4 yeas and nays upon each bill separately, and shall be entered on the Journal;  
5 and no bill shall become a law without the concurrence of a majority of the  
6 members elected to each House.)

SEC. 16. Every bill which may have passed the Legislature shall,  
2 before it becomes a law, be presented to the Governor. If he approve it, he  
3 shall sign it; but if not, he shall return it, with his objections, to the House  
4 in which it originated, which shall enter the same upon the Journal and pro-  
5 ceed to reconsider it. If, after such reconsideration, it again pass both Houses,  
6 by yeas and nays, by a majority of two-thirds of the members of each House,  
7 it shall become a law notwithstanding the Governor's objection. If any bill  
8 shall not be returned within ten days after it shall have been presented to him  
9 (Sundays excepted), the same shall become a law in like manner as if he had  
10 signed it, unless the Legislature, by adjournment, prevents such return, in  
11 which case it shall not become a law, unless the Governor, within ten days  
12 after such adjournment (Sundays excepted), shall sign and deposit the same  
13 in the office of the Secretary of State, in which case it shall become a law in  
14 like manner as if it had been signed by him before adjournment. If any bill  
15 presented to the Governor contains several items of appropriation of money,  
16 he may object to one or more items, while approving other portions of the bill.  
17 In such case he shall append to the bill, at the time of signing it, a statement  
18 of the items to which he objects, and the reasons therefor, and the appropria-  
19 tion so objected to shall not take effect unless passed over the Governor's veto,  
20 as hereinbefore provided. If the Legislature be in session, the Governor shall  
21 transmit to the House in which the bill originated a copy of such statement,  
22 and the items so objected to shall be separately reconsidered in the same man-  
23 ner as bills which have been disapproved by the Governor.

(The following is sec 16 as  
amended by motion of Mr  
Shurtteff and Reynolds

SEC. 16. Every bill which may have passed the Legislature shall,  
 2 before it becomes a law, be presented to the Governor. If he approve it, he  
 3 shall sign it; but if not, he shall return it, with his objections, to the House  
 4 in which it originated, which shall enter the same upon the Journal and pro-  
 5 ceed to reconsider it. If, after such reconsideration, it again pass both Houses,  
 6 by yeas and nays, ~~by a majority of~~ <sup>Electa 15</sup> two-thirds of the members <sup>of</sup> each House, *Voting therefor*  
 7 it shall become a law notwithstanding the Governor's objection. If any bill  
 8 shall not be returned within ten days after it shall have been presented to him  
 9 (Sundays excepted), the same shall become a law in like manner as if he had  
 10 signed it, unless the Legislature, by adjournment, prevents such return, in  
 11 which case it shall not become a law, unless the Governor, within ten days  
 12 after such adjournment (Sundays excepted), shall sign and deposit the same  
 13 in the office of the Secretary of State, in which case it shall become a law in  
 14 like manner as if it had been signed by him before adjournment. If any bill  
 15 presented to the Governor contains several items of appropriation of money,  
 16 he may object to one or more items, while approving other portions of the bill.  
 17 In such case he shall append to the bill, at the time of signing it, a statement  
 18 of the items to which he objects, and the reasons therefor, and the appropria-  
 19 tion so objected to shall not take effect unless passed over the Governor's veto,  
 20 as hereinbefore provided. If the Legislature be in session, the Governor shall  
 21 transmit to the House in which the bill originated a copy of such statement,  
 22 and the items so objected to shall be separately reconsidered in the same man-  
 23 ner as bills which have been disapproved by the Governor.

SEC. 17. The Assembly shall have the sole power of impeachment, and  
 2 all impeachments shall be tried by the Senate. When sitting for that pur-  
 3 pose the Senators shall be upon oath or affirmation, and no person shall be  
 4 convicted without the concurrence of two-thirds of the members elected.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Con-  
 2 troller, Treasurer, Attorney-General, Surveyor-General, Justices of the  
 3 Supreme Court, and Judges of the Superior Courts, shall be liable to impeach-

Sec 6

4 ment for any misdemeanor in office; but judgment in such cases shall extend  
 5 only to removal from office and disqualification to hold any office of honor,  
 6 trust, or profit under the State; but the party convicted or acquitted shall  
 7 nevertheless be liable to indictment, trial, and punishment according to law.  
 8 All other civil officers shall be tried for misdemeanor in office in such manner  
 9 as the Legislature may provide.

SEC. 19. No Senator or member of Assembly shall, during the term  
 2 for which he shall have been elected, be appointed to any civil office of profit  
 3 under this State, which shall have been created, or the emoluments of which  
 4 have been increased, during such term, except such offices as may be filled by  
 5 election by the people.

SEC. 20. No person holding any lucrative office under the United  
 2 States, or any other power, shall be eligible to any civil office of profit under  
 3 this State; *provided*, that officers in the militia, to which there is attached no  
 4 annual salary, or local officers, or Postmasters whose compensation does not  
 5 exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 21. No person who shall be convicted of the embezzlement or  
 2 defalcation of the public funds of this State, or of any county or municipality  
 3 therein, shall ever be eligible to any office of honor, trust, or profit under  
 4 this State, and the Legislature shall provide, by law, for the punishment of  
 5 such embezzlement or defalcation as a felony.

*The following is Sec 21 as amended  
 on motion of Mr Reynolds and adopted*

( SEC. 21. No person who shall be convicted of the embezzlement or  
 2 defalcation of the public funds of <sup>any</sup> ~~this~~ State, or of any county or municipality  
 3 therein, shall ever be eligible to any office of honor, trust, or profit under  
 4 this State, and the Legislature shall provide, by law, for the punishment of  
 5 such embezzlement or defalcation as a felony. )

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution, not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

*(The following is Sec 22 - as amended  
by Messrs ~~Wilson~~ M Wilson &  
Vacquell and adopted*

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution, not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State.

*Provided, that  
Notwithstanding any thing  
contained in this or any  
other section of this Constitution  
the Legislature shall have  
the power to grant aid to  
institutions conducted for  
the support and maintenance  
-ce of minor ~~children~~  
orphan or =*

= half orphan, or abandoned children or aged persons in indigent circumstances; such aid to be granted by a uniform rule and proportioned to the number of inmates of such respective institutions. <sup>Further</sup> Provided that the State shall have at any time the right to inquire into the management of such institutions.

An accu-

8 rate statement of the receipts and expenditures of public moneys shall be  
9 attached to and published with the laws at every regular session of the Legis-  
10 lature.

SEC. 23. The members of the Legislature shall receive for their ser-  
2 vices a compensation, per diem and mileage, to be fixed by law, and paid out  
3 of the public treasury; but no increase of the compensation shall take effect  
4 during the term for which the members of either House shall have been  
5 elected.

(The following is Sec 23 as amended  
on motion of Messrs Newman and  
Jinnin and adopted.)

Sec. 23: The members of the Legislature shall receive for their services a compensation, per diem and mileage, to be fixed by law, and paid out of the public treasury;

such per diem shall not exceed Eight dollars per day and such mileage shall not exceed ten cents per mile. No increase in Compensation or mileage shall take effect during the term for which the members of either House shall have been elected, and the pay of no attache shall be increased after he is elected or appointed.

SEC. 24. Every law enacted by the Legislature shall embrace but one subject, which shall be expressed in the title, and no law shall be revised or amended by reference to its title; but in such case the Act revised, or section amended, shall be re-enacted and published at length as revised or amended.

(The following is Sec 24 as amended on motion of Meps Freeman, Edgeston, E O Smith)

(Sec 24) 17

Every act shall embrace but one subject, and matter properly connected therewith; which subject shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the act revised or section amended shall be re-enacted and published at length as revised or amended, and all laws of the State

of California and all official  
writing and the Executive,  
Legislative, and Judicial proceed-  
ings shall be conducted, presented  
and published in no other  
than the English language)

SEC. 25. The Legislature shall not pass local or special laws in any of

2 the following enumerated cases, that is to say:

3 *First*—Regulating the jurisdiction and duties of Justices of the Peace,  
4 Police Judges, and of Constables.

5 *Second*—For the punishment of crimes and misdemeanors.

6 *Third*—Regulating the practice of Courts of justice.

7 *Fourth*—Providing for changing the venue in civil or criminal cases.

8 *Fifth*—Granting divorces.

9 *Sixth*—Changing the names of persons or places.

10 *Seventh*—Vacating roads, town plats, streets, alleys, or public grounds  
11 not owned by the State.

12 *Eighth*—Summoning and impaneling grand and petit juries, and pro-  
13 viding for their compensation.

14 *Ninth*—Regulating county and township business, or the election of  
15 county and township officers.

16 *Tenth*—For the assessment or collection of taxes.

17 *Eleventh*—Providing for conducting elections, or designating the places  
18 of voting, except on the organization of new counties.

19 *Twelfth*—Affecting estates belonging to minors or other persons under  
20 legal disabilities.

21 *Thirteenth*—Extending the time for the collection of taxes.

22 *Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.

23 *Fifteenth*—Refunding money paid into the State treasury.

24 *Sixteenth*—Releasing or extinguishing, in whole or in part, the indebt-

25 edness, liability, or obligation of any corporation or person to this State, or to  
26 any municipal corporation therein.

27 *Seventeenth*—Declaring any person of age, or authorizing any minor to  
28 sell, lease, or encumber his or her property.

29 *Eighteenth*—Legalizing, except as against the State, the unauthorized  
30 or invalid act of any officer.

31 *Nineteenth*—Granting to any corporation, association, or individual any  
32 special or exclusive right, privilege, or immunity.

33 *Twentieth*—Exempting property from taxation.

34 *Twenty-first*—Changing county seats.

35 *Twenty-second*—Restoring to citizenship persons convicted of infamous  
36 crimes.

37 *Twenty-third*—Regulating the rate of interest on money.

38 *Twenty-fourth*—Authorizing the creation, extension, or impairing of  
39 liens.

40 *Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.

41 *Twenty-sixth*—Remitting fines, penalties, or forfeitures.

42 *Twenty-seventh*—Providing for the management of common schools.

43 *Twenty-eighth*—Creating offices, or prescribing the powers and duties  
44 of officers in counties, cities, cities and counties, townships, election or school  
45 districts.

46 *Twenty-ninth*—Affecting the fees or salary of any officer.

47 *Thirtieth*—Changing the law of descent, or succession.

48 *Thirty-first*—Authorizing the adoption or legitimation of children.

49 *Thirty-second*—Authorizing the laying out, opening, altering, or main-  
50 taining roads, highways, streets, alleys, or public grounds.

51 *Thirty-third*—For limitation of civil or criminal actions.

52 *Thirty-fourth*—In all other cases where a general law can be made  
53 applicable, no local or special law shall be enacted.

(The following is Sec 25 as  
amended by Messrs Hager,  
Crouch & Johnson & Radcliff)

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

*First*—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

*Second*—For the punishment of crimes and misdemeanors.

*Third*—Regulating the practice of Courts of justice.

*Fourth*—Providing for changing the venue in civil or criminal cases.

*Fifth*—Granting divorces.

*Sixth*—Changing the names of persons or places.

*Seventh*—*authorizing the laying out*

*opening, altering maintaining*  
*or vacating roads, highways,*  
*streets, alleys, town plats,*  
*Parks, cemeteries, grave yards*  
*or public grounds, not owned*  
*by the State.*

*Eighth*—Summoning and impaneling grand and petit juries, and providing for their compensation.

*Ninth*—Regulating county and township business, or the election of county and township officers.

*Tenth*—For the assessment or collection of taxes.

*Eleventh*—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

*Twelfth*—Affecting estates <sup>*of deceased persons,*</sup> ~~belonging to~~ minors, or other persons under legal disabilities.

*Thirteenth*—Extending the time for the collection of taxes.

*Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.

*Fifteenth*—Refunding money paid into the State treasury.

*Sixteenth*—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

27 *Seventeenth*—Declaring any person of age, or authorizing any minor to  
 28 sell, lease, or encumber his or her property.

29 *Eighteenth*—Legalizing, except as against the State, the unauthorized  
 30 or invalid act of any officer.

31 *Nineteenth*—Granting to any corporation, association, or individual any  
 32 special or exclusive right, privilege, or immunity.

33 *Twentieth*—Exempting property from taxation.

34 *Twenty-first*—Changing county seats.

35 *Twenty-second*—Restoring to citizenship persons convicted of infamous  
 36 crimes.

37 *Twenty-third*—Regulating the rate of interest on money.

38 *Twenty-fourth*—Authorizing the creation, extension, or impairing of  
 39 liens.

40 *Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.

41 *Twenty-sixth*—Remitting fines, penalties, or forfeitures.

42 *Twenty-seventh*—Providing for the management of common schools.

43 *Twenty-eighth*—Creating offices, or prescribing the powers and duties  
 44 of officers in counties, cities, cities and counties, townships, election or school  
 45 districts.

46 *Twenty-ninth*—Affecting the fees or salary of any officer.

47 *Thirtieth*—Changing the law of descent, or succession.

48 *Thirty-first*—Authorizing the adoption or legitimation of children.

49 ~~*Thirty-second*—Authorizing the laying out, opening, altering, or main-~~  
 50 ~~taining roads, highways, streets, alleys, or public grounds.~~

51 <sup>*Second*</sup> ~~*Thirty-third*~~—For limitation of civil or criminal actions.

52 <sup>*Third*</sup> ~~*Thirty-fourth*~~—In all other cases where a general law can be made  
 53 applicable, ~~no local or special law shall be enacted.~~

SEC. 26. The Legislature shall have no power to authorize lotteries or  
 2 gift enterprises for any purpose, and shall pass laws to prohibit the sale of  
 3 lottery or gift enterprise tickets, or tickets in any scheme in the nature of a  
 4 lottery, in this State. The Legislature shall pass laws to regulate or prohibit  
 5 the buying and selling of the shares of the capital stock of corporations in  
 6 any stock board, stock exchange, or stock market under the control of any  
 7 association. All contracts for the sale of shares of the capital stock of any  
 8 corporation or association, on margin or to be delivered at a future day, shall  
 9 be void, and any money paid on such contracts may be recovered by the party  
 10 paying it by suit in any Court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or  
2 more counties, it shall not be separated by any county belonging to another  
3 district. No county or city and county shall be divided in forming a con-  
4 gressional district so as to attach one portion of a county or city and county  
5 to another county or city and county; but the Legislature may divide any  
6 county or city and county into as many congressional districts as it may be  
7 entitled to by law.

SEC. 28. The Legislature shall pass laws for the regulation and limita-  
2 tion of the charges for services performed and commodities furnished by cor-  
3 porations, and where laws shall provide for the selection of any person or  
4 officer to regulate and limit such rates, no such person or officer shall be  
5 selected by any corporation, and no person shall be selected who is an officer  
6 or stockholder in any corporation.

*(The above Sec (28) was on  
motion of J. M. McConnell  
stricken out)*

SEC. 29. Dues from corporations shall be secured by such individual  
2 liabilities of the corporators and other means as may be prescribed by law.  
3 The property of corporations now existing, or hereafter created, shall forever  
4 be subject to taxation, the same as the property of individuals, and the fran-  
5 chises of such corporations shall be assessed at their actual cash value, and  
6 taxed accordingly.

*(The above Sec (29) was on  
motion of J. M. McConnell  
stricken out)*

SEC. 30. The term corporations, as used in this article, shall be con-  
2 strued to include all associations and joint stock companies having any of the  
3 powers or privileges of corporations not possessed by individuals or partner-  
4 ships. And all corporations shall have the right to sue and shall be subject  
5 to be sued in all Courts, in like cases as natural persons.

(The above sec(30) was on motion of Jerry Strickland out)

SEC. 31. The Legislature shall have no power to pass any act granting

- 2 any charter for banking purposes, but associations may be formed under
- 3 general laws for the deposit of gold and silver and other lawful money of the
- 4 United States; but no such associations shall make, issue, or put in circulation
- 5 any bill, check, ticket, certificate, promissory note, or other paper, or the paper
- 6 of any bank, to circulate as money.

~~Motion Strickland out~~

(The above sec(31) was on motion of Jerry Strickland out)

SEC. 32. The Legislature of this State shall prohibit by law any

- 2 person or persons, association, company, or corporation, from exercising the
- 3 privileges of banking or creating paper to circulate as money.

Sec 10 (The above sec(32) was on motion of Jerry Strickland out)

SEC. 33. Each stockholder of a corporation or joint stock association

- 2 shall be individually and personally liable for his proportion of all its debts
- 3 and liabilities contracted or incurred while he was a stockholder, and the
- 4 trustees or directors of such corporation or association, and each of them, shall
- 5 be responsible, individually, for the misappropriation by the officers thereof of
- 6 the funds or deposits of such corporation or association.

(The above sec(33) was on motion of Jerry Strickland out)

SEC. 34. It shall be the duty of the Legislature to provide, by general laws, for the organization of city, town, and county governments, and for assessing and collecting taxes for the support of the same; *provided*, that no city, city and county, town, or county shall ever incur a debt which, together with existing indebtedness, shall exceed two per cent. of the assessed value of the property therein. Such value shall be ascertained from the assessment roll for State and county purposes made immediately previous to incurring such indebtedness; *provided, however*, that a city, city and county, town, or county may borrow money under and in accordance with the following conditions and limitations in addition to any other conditions and limitations contained in the Constitution, namely: The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of three-fourths of all the members elected to the Board of Supervisors, Common Council, or local Legislature. Such resolution shall also distinctly specify the single work or object for which the debt is to be created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per cent. of the principal to be annually raised by taxation and paid into the sinking fund. Such resolution shall not take effect until it shall be ratified at an election held in said city, city and county, county, or town, at which no other matter is voted upon, and which shall be held within 30 days after the passage of said order or resolution. The Legislature shall make such laws as may be necessary to provide for holding such election and ascertaining the result thereof.

*(The above Sec (34) was on  
of Belcher  
motion, ~~stricken out~~)*

SEC. 35. In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the Journal.

SEC. 36. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. 37. Neither the Legislature; nor any county, city and county,  
 2 township, school district, or other municipal corporation, shall ever make an  
 3 appropriation, or pay from any public fund whatever, or grant anything to or  
 4 in aid of any religious sect, church, creed, or sectarian purpose, or help to  
 5 support or sustain any school, college, university, hospital, or other institu-  
 6 tion controlled by any religious creed, church, or sectarian denomination  
 7 whatever; nor shall any grant or donation of personal property or real estate  
 8 ever be made by the State, or any city, city and county, town, or other munici-  
 9 pal corporation, for any religious creed, church, or sectarian purpose what-  
 10 ever.

SEC. 38. The Legislature shall have no power to give or to lend, or to  
 2 authorize the giving or lending, of the credit of the State, or of any county,  
 3 city and county, city, township, or other political corporation or subdivision  
 4 of the State now existing, or that may be hereafter established, in aid of or to  
 5 any person, association, or corporation, whether municipal or otherwise, or to  
 6 pledge the credit thereof, in any manner whatever, for the payment of the  
 7 liabilities of any individual, association, municipal, or other corporation what-  
 8 ever; nor shall it have power to make any grant, or authorize the making of  
 9 any grant, of any public money or thing of value to any individual, municipal,  
 10 or other corporation whatever; and it shall not have power to authorize the  
 11 State, or any political subdivision thereof, to subscribe for stock, or to become  
 12 a stockholder in any corporation whatever.

SEC. 39. The Legislature shall have no power to grant, or authorize  
 2 any county or municipal authority to grant, any extra compensation or allow-  
 3 ance to any public officer, agent, servant, or contractor, after service has been  
 4 rendered, or a contract has been entered into and performed in-whole or in  
 5 part, nor to pay, or to authorize the payment of any claim hereafter created  
 6 against the State, or any county or municipality of the State, under any agree-  
 7 ment or contract made without express authority of law; and all such unauthor-  
 8 ized agreements or contracts shall be null and void.

SEC. 40. The Legislature shall not ratify any amendment to the Constitution of the United States which may be proposed by Congress, except such as shall have been proposed and published at least thirty days next preceding the general election for members of the Legislature ratifying such amendment.

*(The above sec (40) was on motion of Mr McCallum Stricken out)*

SEC. 41. In case of a contested election in either branch of the Legislature only the claimant decided entitled to the seat shall receive from the State per diem compensation, or mileage.

*(The above sec (41) was on motion of Gen Howard Stricken out)*

SEC. 42. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in this Constitution.

*(The above sec (42) was on motion of Mr Jerry Stricken out)*

The following is a new  
 section proposed by Mr  
 Johnson <sup>(in place of sec (28) which was struck out)</sup> and adopted

(Sec — The Legislature  
 shall pass laws for the  
 regulation and limitation  
 of the charges for services  
 performed, and Commodities  
 furnished by telegraph,  
 gas and water corporations,  
 and the charges by corpor-  
 ations or individuals for  
 storage, wharfage, and  
 water in which there is  
 a public use, and when  
 laws shall provide for the

Selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any Corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such Corporation.

Ernest

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